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NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)
10089/4

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Signature _____

Typed or printed
Name _____

In re Application of
Mikio Katsube, et al.

Application Number
09/066,168

Filed
April 24, 1998

NOV 26 2002

TECH CENTER 1600/2900

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NOV 26 2002

TC 1700

For
PERMSELECTIVE MEMBRANE MODULE

Group Art Unit
1723

Examiner
Ana M. Fortuna

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) - No fee due per MPEP § 1208.02

\$ - 0 -

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 11-0600. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a): 42,028.

Signature

Mark H. Neblett

Typed or printed name

November 22, 2002

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 2 forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PATENT
Ser. No. 09/066,168
Atty. Docket No. 10089/4

THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Mikio KATSUBE et al.
SERIAL NO. : 09/066,168
FILED : April 24, 1998
FOR : PERMSELECTIVE MEMBRANE MODULE
GROUP ART : 1723
EXAMINER : A. Fortuna

Assistant Commissioner for Patents
Washington, D.C. 20231

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SECOND NOTICE OF APPEAL

Sir:

All finally rejected claims in the decision of the Examiner dated **August 27, 2002**, are hereby appealed to the Board of Patent Appeals and Interferences.

This is the second appeal filed in this case, following the September 11, 2001 re-opening of the case for further prosecution following the filing of Applicants' first Appeal Brief. The Applicants believe no fees are due, consistent with the direction provided in The Manual of Patent Examining Procedure, § 1208.02, which notes, in pertinent part, that "if prosecution was reopened prior to a decision on the merits ... the fee paid for the notice of appeal, appeal brief, and request for oral hearing (if applicable) will be applied to a later appeal on the same application."

Notwithstanding the Applicants' belief that no fee is due for the filing of this Notice, the Commissioner is hereby authorized to charge payment of any additional fees and/or patent application processing fees required under 37 C.F.R. § 1.16 and § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,


Mark H. Neblett (Reg. No. 42,028)

Dated: November 22, 2002

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005-1257
(202) 220-4200
(202) 220-4201 (facsimile)